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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,594	07/22/2002	Thomas Seidenfuss	951/50636	4254

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Crowell & Moring
Intellectual Property Group
PO Box 14300
Washington, DC 20044-4300

EXAMINER

KINDER, DARRELL D

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CH

Office Action Summary

Application No.

10/009,594

Applicant(s)

SEIDENFUSS, THOMAS

Examiner

Darrell Kinder

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 9-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3.5</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: in claim 11, "the at least one transistor" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 9, specifically line 8, it is unclear what part of the circuit is with the switchable voltage divider, and exactly what "with" means in this sense. It is unclear whether the first and second circuit inputs are connected with or connected in series with, or if the comparator is connected with, or connected in series with, the switchable voltage divider. Since the relationship of the switchable voltage divider being "with" another element is unclear, due to the indefiniteness of the relational term "and with" the claim is indefinite.

3. Referring to claim 18, it is unclear how in line 8, the signal can be scaled downward "prior to comparing" when in line 2 the signal was already compared. Furthermore, the initial comparison is what determines whether the signal should be scaled down, so it is unclear how the signal can be scaled down prior to comparing

when the scaling down is a direct result of the comparison, thus rendering this claim indefinite.

4. Claims 10-16 are rejected as sharing the indefiniteness of the rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent no. 5,101,155 (Oehler).

Regarding claim 18, Oehler discloses a method for inputting and processing a signal from a speed sensor comprising: applying said signal to a comparator (**Fig. 1 8**) for comparing said signal with a reference value (col. 3 lines 35-39, 51); processing an output signal from said comparator (8) in a microprocessor (9) to determine whether a preset speed threshold has been exceeded (col. 3 lines 46-52); when said speed threshold has been exceeded, scaling said input signal downward via a voltage divider (col. 3 lines 52-54, 60-62).

Allowable Subject Matter

6. Claims 9-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
7. Claim 17 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose or fairly suggest a circuit for the processing of speed signals wherein a switchable voltage divider is used to reduce an amplitude of an input speed signal when the speed signal exceeds a threshold value.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tershak U.S. Patent no. 3,990,417; Olmstead U.S. Patent no. 4,226,219; Sibley et al. U.S. Patent no. 4,365,298; Dennis U.S. Patent no. 4,575,677; Suquet U.S. Patent no. 4,902,970; Kordts et al. U.S. Patent no. 5,231,351; Loreck et al. U.S. Patent no. 5,451,867; Pattantyus et al. U.S. Patent no. 5,517,431; Dietl et al. U.S. Patent no. 6,456,085.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darrell Kinder whose telephone number is (703) 305-3303. The examiner can normally be reached on Monday-Friday 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (703) 308-0750. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

dk *tk*



N. Lo
Supervisory Patent Examiner
Technology Center 2800